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August 22, 2016

Via ECF

Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: Aguilar et al v. Philka Grocery Corp. et al; 15-cv-04592-AKH

Your Honor:

This office represents Plaintiffs in the above-referenced matter. We write to request permission to withdraw as attorneys for Plaintiffs Emilio Cruz, Luis Vazquez Tolentino, and Oscar Hernandez (the "Absent Plaintiffs"), pursuant to Local Civil Rule 1.4.

This request is necessary because the Absent Plaintiffs have failed to cooperate with the prosecution of this matter over the last eight weeks. Specifically, this office has been attempting to secure the Absent Plaintiffs cooperation in the preparation of necessary discovery response materials, as well as their attendance at depositions. This office has attempted to reach Plaintiffs by phone multiple times, and have sent the Absent Plaintiffs letters, both in English and Spanish, urging them to contact us (Exhibit "A").

To date, despite our efforts, not one of the Absent Plaintiffs has responded and indicated whether they intend to prosecute this action. Accordingly, we see no choice but to seek to withdraw as counsel for Plaintiffs Emilio Cruz, Luis Vazquez Tolentino, and Oscar Hernandez. We are serving this application, both in English and Spanish, upon Plaintiff Emilio Cruz, Luis Vazquez Tolentino, and Oscar Hernandez' last known home addresses.

We assert a charging lien on Plaintiffs Emilio Cruz, Luis Vazquez Tolentino, and Oscar Hernandez pursuant to NY Judiciary Law §475. *See Stair v. Calhoun*, 722 F. Supp. 2d 258, 267 (E.D.N.Y. 2010). We will set forth the amount and basis of the charging lien we seek to assert in a subsequent filing.

If the Court requires any additional information for this application, we will provide it. We thank the court for its attention to this matter.

Respectfully Submitted,

/s/ Michael Faillace

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Page 2

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